

7/18/03

REMARKS

The above-identified application is United States application serial number 09/816,992 filed on March 23, 2001. Claims 1-13 are pending in the application. Claims 1-13 are rejected. Claims 1-4, 6, 8, 9, 10, 11 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Abram et al. (U.S. Patent 6,462,778). Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abram et al. (U.S. Patent 6,462,778). Claims 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abram et al. (U.S. Patent 6,462,778) in view of Obradovich (U.S. Patent 6,252,768).

Rejection of Claim Under 35 U.S.C. §112

Regarding the rejection of Claim 4 under 35 U.S.C. §112, paragraph 2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention, the applicant has amended the claim to correct the claim dependency, thereby correcting antecedent basis.

Rejection of Claim Under 35 U.S.C. §102(e)

Regarding the rejection of Claims 1-4, 6, 8, 9, 10, 11, and 13 under 35 U.S.C. §102(e) as being anticipated by Abram et al (U.S. Patent No. 6,462,778), the applicant traverses the rejection of some claims and amends some claims.

The applicant traverses the rejections of Claims 6 and 13 on the basis that Abrams does not disclose either the method step of "serving said annotated image to a client" of Claim 6, or the server claimed in Claim 13. Abrams discloses a digital camera that includes a processor and memory or other storage devices internal to the camera. The examiner equates the internal processor to a server and the actions performed by the processor as a serving operation. However, the processor disclosed in Abrams et al. fails to perform any of the operations common to a server.

A server is well-known to those having ordinary skill in the art as being utilized in network communication. For example, Server is defined in CNET glossary (<http://www.cnet.com/Resources/Info/Glossary/Terms/server.html>) as:

"The business end of a client/server setup, a server is usually a computer that provides the information, files, Web pages, and other services to the client that logs on to it. (The word server is also used to describe the software and operating system designed to run server hardware.) The client/server setup is analogous to a restaurant with waiters and customers. Some Internet servers take this analogy to extremes and become inattentive, or even refuse to serve you."

In another example, server is defined in TechEncyclopedia

(<http://www.techweb.com/encyclopedia/defineterm?term=server&x=31&y=13>) as:

"A computer system in a network that is shared by multiple users. . . . The term "server" may refer to both the hardware and software (the entire computer system) or just the software that performs the service. For example, Web server may refer to the Web server software in a computer that also runs other applications, or, it may refer to a computer system dedicated only to the Web server application. For example, a large Web site could have several dedicated Web servers or one very large Web server."

In still another example, server is defined in the Free On-Line Dictionary of Computing (FOLDOC) <http://foldoc.doc.ic.ac.uk/foldoc/> as:

"A computer which provides some service for other computers connected to it via a network. The most common example is a file server which has a local disk and services requests from remote clients to read and write files on that disk."

Every definition includes in the definition of the server the aspect of utility in network communications. The processor disclosed by Abrams performs does not "provide some service" in network communications and cannot be considered a server or to perform the operation of serving. The processor disclosed in Abrams et al is described as a central processing unit within a camera that manages resources within the camera. Although a processor can be configured to operate as a server, such processor functions are not taught in Abrams et al explicitly, implicitly, or inherently.

With respect to the rejection of Claims 1-4, 8, 9, 10, and 11, the applicant has amended Claims 1 and 12 to specify that the operations are performed by a server and to

include the actions of communicating in a network, all aspects that are fully disclosed in the original specification.

Claim 6 is amended to correct a minor error in claim dependency.

Rejection of Claims Under 35 U.S.C. § 103(a)

Regarding the rejection of Claims 5, 7, and 12, the applicant's amendments to Claims 1 and 12 to specify that the operations are performed by a server and to include the actions of communicating in a network distinguish over Abrams and Abrams in light of Obradovich.

New Claims

New Claims 14-19 are article of manufacture claims that directly relate to the originally filed claim set so that no new matter is added. New claim 20 includes some of the elements of original claim 12.

CONCLUSION

In view of the amendments and remarks set forth herein, the application, including all remaining Claims 1-20, is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned at (949) 251-0250.

I hereby certify that this correspondence is being facsimile transmitted to the USPTO, Technology Center 2100, Before Final at (703) 746-7239 on the date shown below:

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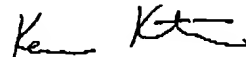
Ken J. Koestner

(Printed Name of Person Signing Certificate)

July 18, 2003

(Date)

Respectfully submitted,



Ken J. Koestner
Attorney for Applicant(s)
Reg. No. 33,004